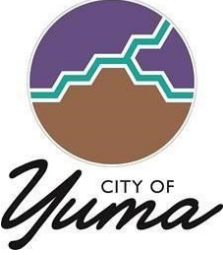


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on May 10, 2021, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

	<p style="text-align: center;">Agenda Planning and Zoning Commission Meeting City Hall Council Chambers One City Plaza Yuma, AZ Monday, May 10, 2021, 4:30 p.m.</p>
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COVID 19 ADVISORY

DUE TO COVID-19 THE CITY HALL COUNCIL CHAMBERS WILL HAVE LIMITED PUBLIC ACCESS.

Consistent with the March 13, 2020 Arizona Attorney General informal opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the meeting of the City of Yuma Planning and Zoning Commission will be conducted remotely through technological means along with limited public, in-person access, consistent with CDC social distancing guidelines.

Due to the very limited capacity available for in-person public access to the Planning and Zoning Commission Meeting, citizens wishing to make public comment regarding any item listed on the agenda are strongly encouraged to provide their comments in written format to email address planning@yumaaz.gov no later than 4:00 p.m. on April 26, 2021. Comments received timely will be entered into the permanent record of the referenced agenda item to be considered by the Planning and Zoning Commission.

**ADHERENCE TO CDC SOCIAL DISTANCING GUIDELINES ARE REQUIRED IN ALL PUBLIC BUILDINGS.
THE USE OF FACE COVERINGS ARE REQUIRED IN PUBLIC BUILDINGS WHEN CDC SOCIAL
DISTANCING GUIDELINES CANNOT BE ACHIEVED.**

A. CALL TO ORDER

B. CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES –

April 26, 2021

B.2 WITHDRAWALS BY APPLICANT – NONE

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES – NONE

B.5 APPROVALS – NONE

C. ACTION ITEMS-

C.1 **CUP-33939-2021**: This is a request by Maria A. Velez, on behalf of ZAYD, LLC C/O Realty Executives, for a Conditional Use Permit for an industrial use within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/O) District, on the property located at 1275 W. 9th St, Yuma, AZ. *(Continued from April 26, 2021)*

C.2 **CUP-34229-2021**: This is a request by Joshua Royce, on behalf of RAD Properties, LLC, to allow the use of commercial recreation in the Light Industrial (L-I) District, for the property located at 987 E. 21st Street, Suite C, Yuma, AZ.

C.3 **CUP-34244-2021**: This is a request by Durban Development, LLC, on behalf of Southgate Mall, LLC, for a Conditional Use Permit to allow a drive-through for a vehicle oil change facility in the General Commercial (B-2) District. The property is located at 505 W. Catalina Drive, Yuma, AZ.

C.4 **ZONE-34231-2021**: This is a request by The City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

C.5 **ZONE-34232-2021**: This is a request by The City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 153 to update provisions related to the Subdivision Code.

C.6 **ZONE-34268-2021**: This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Section 06.03 to identify the permitted housing types within the Manufactured Housing Subdivision District (MHS).

D. PUBLIC HEARINGS – NONE

E. INFORMATION ITEMS

E.1 STAFF – General Plan Discussion - Parks, Safety, Conservation and Cost of Development

E.2 COMMISSION

E.3 Public – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

**Planning and Zoning Commission Meeting Minutes
April 26, 2021**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday April 26, 2021, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel and Commissioners Lorraine Arney, Gregory Counts, Barbara Beam and Joshua Scott. Vice-Chairman Fred Dammeyer was absent. There is one vacancy.

STAFF MEMBERS present included Scott McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director DCD; Augustin Cruz, Senior Civil Engineer; Jennifer Albers, Principal Planner; Robert Blevins, Principal Planner; Chad Brown, Associate Planner; Amelia Griffin, Associate Planner; Alejandro Marquez, Administrative Assistant and Lizbeth Sanchez, Administrative Assistant.

Chairman Chris Hamel called the meeting to order at 4:30 p.m., and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – March 22, 2021

WITHDRAWALS BY APPLICANT – None

CONTINUANCES –None

APPROVALS –

CUP-33375-2021: *This is a request by Kurtis Demarse, on behalf of McDonald's Real Estate Company to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1195 E. 16th Street, Yuma, AZ. (Continued from April 12, 2021)*

Motion by Counts, second by Arney, to APPROVE the Consent Calendar as presented. Motion carried unanimously, (5-0) with one absent.

Action Items –

CUP-33078-2020: *This is a request by Wallace Hunter, on behalf of Fury Lane, LLC, for a Conditional Use Permit to allow a drive-through restaurant, in the General Commercial (B-2) District. The property is located at 2820 S. 4th Avenue, Yuma, Arizona. (Continued from April 12, 2021)*

Amelia Griffin, Associate Planner, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Hamel asked if two of the parking spaces were blocked would that affect the parking requirement. **Griffin** replied no.

APPLICANT / APPLICANT'S REPRESENTATIVE

Wallace Hunter, 1609 Magnolia Avenue, Yuma AZ, 85364, was present and available for questions.

Hamel commended the applicant on using an existing vacant building rather than constructing another a new one.

PUBLIC COMMENT

None

Motion by Arney, Second by Beam, to APPROVE CUP-33078-2020. Motion carried unanimously (5-0) with one absent.

SUBD-33735-2021: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Yucca Land Company, LLC, for the approval of the preliminary plat for the Desert Sands Subdivision Unit 3, proposed to be divided into 122 lots, ranging in size from approximately 5,078 square feet to 13,338 square feet. The property is located at the southwest corner of E. 45th Street and the S. Avenue 8E, Yuma, AZ. (Continued from April 12, 2021)*

Alyssa Linville, Assistant Director DCD, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Hamel asked what was going to happen to the canal road. **Linville** deferred the question to the Agent.

APPLICANT / APPLICANT'S REPRESENTATIVE

Kevin Dahl, 1560 S. 5th Avenue Yuma AZ, 85364, was present and available for questions.

Hamel asked **Dahl** if the canal road would be developed as a standard road in the proposed subdivision. **Dahl** replied yes.

PUBLIC COMMENT

None

Motion by Counts, second by Arney to APPROVE SUBD-33735-2021. Motion carried unanimously (5-0) with one absent.

CUP-33939-2021: *This is a request by Maria A. Velez, on behalf of ZAYD, LLC C/O Realty Executives, for a Conditional Use Permit for an industrial use within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/IO) District, on the property located at 1275 W. 9th St, Yuma, AZ.*

Chad Brown, Associate Planner, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

Frank Velez, on behalf of Maria Velez, 1275 W. 9th St. Yuma AZ, 85364, stated that he was in agreement with the Conditions of Approval but asked for an extension of time to complete the City's requirements.

Kevin Eatherly, 2975 S. Avenue B Yuma AZ, 85364, representing the General Contractor, asked if the City could amend Condition #5 by extending the hours of operation from 8 a.m-6 p.m to 6 a.m- 7 p.m, Condition #6 to allow a fabric type material instead of a solid wall and Condition #11 to extend from 1 year time of completion to 2 years.

Scott McCoy, Assistant City Attorney suggested that Staff and applicant adjourn to the hallway to discuss the Conditions of Approval, and the Commission could proceed to the next case. **Hamel** agreed and called the next case.

SUBD-33593-2021: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Saguaro Desert Land Company, LLC, for approval of the preliminary plat for the Desert Sky Unit No. 2 Subdivision. This subdivision will contain approximately 18.3 acres, and is proposed to be divided into 102 residential lots, ranging in size from 2,941 square feet to 9,983 square feet. The property is located near the southwest corner of Avenue 7½E and 36th Street, Yuma, AZ.*

Alyssa Linville, Assistant Director DCD, summarized the staff report and recommended **APPROVAL**, noting the changes to the Conditions of Approval in Attachment A, as reflected on the Yellow Sheet provided to the Commissioners.

QUESTIONS FOR STAFF

Hamel expressed concern about a letter that was received from the Arizona Department of Game and Fish (AZDGF), then asked if the letter affected the proposed subdivision. **Linville** replied that AZDGF is one of the agency's that are notified by Planning when cases are going to be brought before the Commission. It is their opportunity to provide comments on the proposal. Any comments received are then forwarded to the agent. **McCoy** stated that the letter from AZDGF is only a recommendation of how to proceed with the development of the subdivision, not a requirement.

APPLICANT / APPLICANT'S REPRESENTATIVE

None

PUBLIC COMMENT

None

Motion by Beam, second by Arney to APPROVE SUBD-33593-2021 subject to the Conditions of Approval in Attachment A, with the modification to Condition # 8 to now read “ Owner/Developer shall dedicate to the City of Yuma a 1-foot non-access easement along the frontages of Avenue 7½ E, 36th St, and along the APS easements, except for approved subdivision entrance locations”, and the removal of Conditions # 10 and # 12. Motion carried unanimously (5-0) with one absent.

Hamel then returned to case number **CUP-33939-2021**.

McCoy stated at the request of the Applicant, they would like to continue this case to the May 10, 2021 meeting of the Planning and Zoning Commission.

Motion by Arney, second by Counts to CONTINUE CUP-33939-2021 to the Planning and Zoning Commission Meeting of May 10, 2021. Motion carried unanimously (5-0) with one absent.

INFORMATION ITEMS

Staff

Jennifer Albers, Principal Planner, presented a summary of the General Plan Discussion - Transportation, Public Services and Growth Areas.

Commission

None

Public

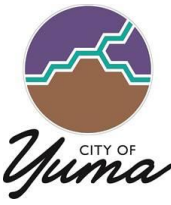
None

ADJOURNMENT

Hamel adjourned the meeting at 5:11 p.m.

Minutes approved this _____ day of _____, 2021

Chairman



STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: CHAD BROWN

Hearing Date: May 10, 2021

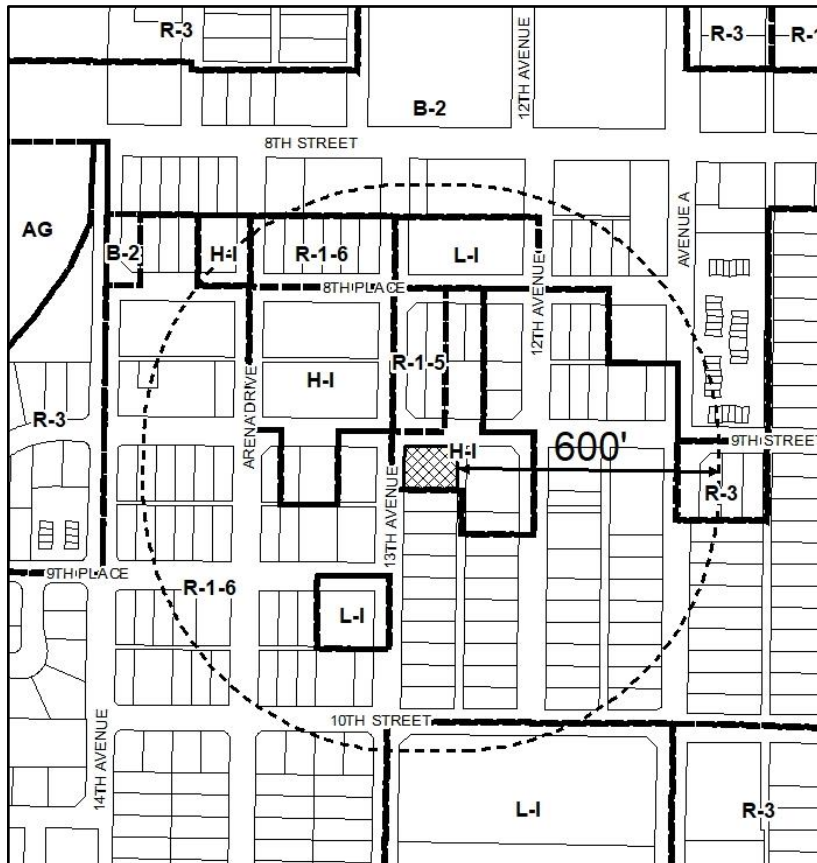
Case Number: CUP-33939-2021

Project Description/Location:

This is a request by Maria A. Velez, on behalf of ZAYD, LLC C/O Realty Executives, for a Conditional Use Permit for an industrial use within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/IO) District, on the property located at 1275 W. 9th St, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Heavy Industrial/Infill (H-I/IO)	Window Tinting	Low Density Residential
North	Low Density Residential/ Heavy Industrial/Infill Overlay (R-1-5/H-I/Infill)	Residential/Vacant Industrial	Low Density Residential
South	Low Density Residential/Infill Overlay (R-1-6/IO)	Residential	Low Density Residential
East	Heavy Industrial/Infill Overlay (H-I/IO)	Vacant Industrial	Low Density Residential
West	Low Density Residential/Infill Overlay (R-1-6/IO)	Residential	Low Density Residential

Location Map:



Prior site actions: Annexation: Ordinance No. 199 (December 31, 1959); Rezone: Ordinance No. 1979 (December 17, 1980).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to for an industrial use (window tinting) within 600' feet of residential in the Heavy Industrial (H-I) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-33939-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request for an industrial use within 600' feet of residential for the property located at 1275 W. 9th St., subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located at 1275 W. 9th St., and is in the Heavy Industrial/Infill Overlay (H-I/O) District. This 12,291 square foot property was annexed into the City of Yuma on December 31, 1959. Upon annexation, the property was zoned Industrial "B". In December 1980, the City of Yuma adopted a zoning designation change: all industrial "A" Districts were designated to Light Industrial (L-I) Districts, and all Industrial "B" Districts were designated Heavy Industrial (H-I) District. The subject property currently features a 1,265 square foot building, non-conforming front yard parking, exposed outdoor storage, barbed wire fencing, and unpaved parking and driving surfaces.

This Conditional Use Permit (CUP) request is to legalize an industrial use within 600' of a residential use, specifically a window tinting business. The applicant moved into the property and opened business before applying for the CUP, and this process is to bring the existing business into conformance with the code.

Some of the development standards in the Heavy Industrial (H-I) District include maximum sign allotments and parking requirements based on use. The maximum amount of wall mounted signage permitted is 15% of the primary building façade. Businesses engaged in "motor vehicle or machinery retail sales" (§154-16.07.Z) would require one parking space per 400 square feet. The subject property features a 1,265.63 square foot building (Yuma County Assessor), this would mean that the Parking Requirement for the proposed use is 4 parking spots. All parking spaces must be paved, general storage does not require pavement.

The property will need be brought up to code: barbed wire fencing removed, solid wall placed to screen outdoor storage from public right-of-way, parking spaces stripped, and proper shielding for outdoor lighting.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	Traffic should be minimal; customers drop off their cars and there is a total of 4 employees.	N/A
B.	Parking	4 parking spaces shall be striped.	#8
C.	Lighting	The site will have to be designed with "dark sky" compatible down lighting with a maximum 3000 kelvin LED lights; lights shall not impact residential neighbors.	#4
D.	Hours of Operation	The hours of operation will be Monday through Friday 8:00 am to 6:00 pm, and Saturday 8:00 am to 1:00 pm.	#5
E.	Indoor/Outdoor Activities	All outdoor storage must be screened with a solid wall.	#6
F.	Noise	All outdoor activities will take place during regular business hours.	#5
G.	Air Quality	N/A	N/A
H.	Hazardous Materials	All barbed wire fencing must be removed.	#8
I.	Crime Prevention (CPTED)	N/A	N/A
J.	Other	N/A	N/A

2. Does the site plan comply with the requirements of the zoning code?

Yes. The site plan and required improvements will comply with the Zoning Code.

3. Does the proposed use and site plan comply with Transportation Element requirements?

Yes.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
W. 9 th St. – Local Street	29 FT H/W ROW	30 FT H/W ROW				
S. 13 th Ave. – Local Street	29 FT H/W ROW	31 FT H/W ROW				
Bicycle Facilities Master Plan	N/A					
YCAT Transit System	N/A					
Issues:	N/A					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

- (1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per section 154-09-02 (F)(1)(d), in which a CUP is required for any industrial use or building within 600 feet of a residential zoning district or residential use.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed use will not be detrimental to the health, safety, and general welfare of persons residing, or working in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. Existing access to the lot along S. 13th Ave., with some parking directly off of the street on W. 9th Ave. There are no proposed modifications to the existing traffic circulation.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The neighborhood has been a combination of businesses/industrial uses and residential uses. There is a house to the south of the subject property, however there is a block wall which assists in the transition between uses.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The current bulk and height of the existing buildings are consistent with the surrounding development.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The site will provide the necessary means to meet requirements regarding noise level reduction and site lighting for security purposes with any new development proposals.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed use is consistent with the Crime Prevention through Environmental Design (CPTED) principles for visual surveillance.

Agency Comments:

See Attachment E.

Neighborhood Meeting Comments:

Due to the impacts of COVID-19, no neighborhood meeting was held.

Discussions with Applicant/Agent:

April 12, 2021.

Proposed conditions delivered to applicant on:

April 19, 2021.

Final staff report delivered to applicant on:

April 19, 2021.

Waiting on Applicant Response
--

If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D	E	F
Conditions of Approval	Site Plan	Site Photos	Agency Notifications	Agency Comments	Aerial Photo

Prepared By: 
Chad Brown
Associate Planner

Date: 4.15.21
(928)373-5000 X 3038

Reviewed By: 
Alyssa Linville,
Assistant Director Community Development

Date: 04/15/2021

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Community Development Comments: Alyssa Linville, Assistant Director,
Community Development, (928) 373-5000, x 3037:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

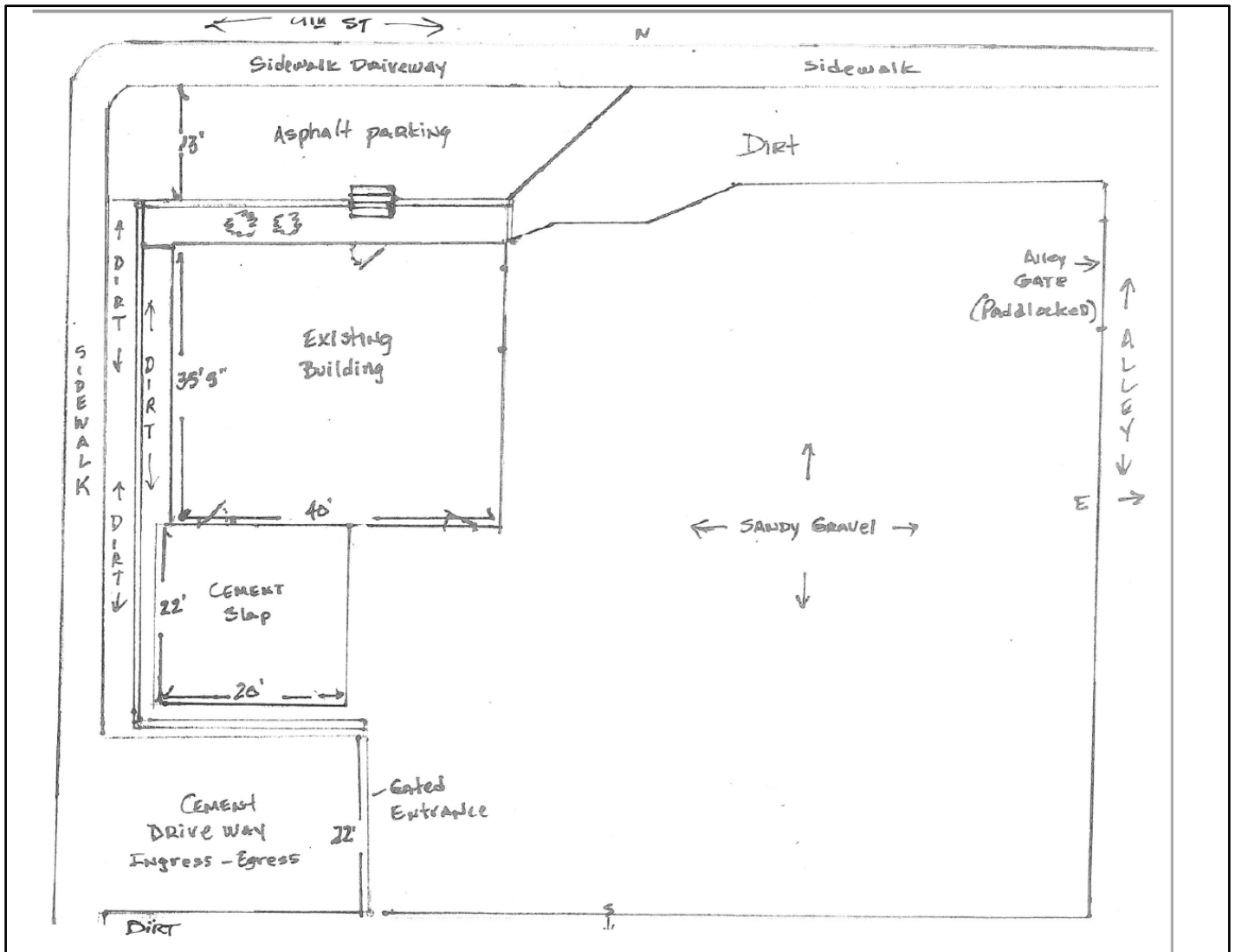
Community Planning: Chad Brown, Associate Planner, (928) 373-5000 X 3038

3. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
4. Outdoor lighting needs to be designed using "dark sky" compatible down lighting with a maximum 3000 kelvin LED Lights.
5. The hours of operation will be Monday through Saturday 6:00 am to 7:00 pm, any work before 7:00 AM must take place inside the subject building to reduce any sound impacts on the neighboring residential use.
6. All outdoor activities or storage shall take place behind a screened solid wall. A solid wall is a vertical barrier consisting of wood, masonry, metal or other exterior material customarily used in wall or fence construction, without openings in the material or spaces between members, other than gates for necessary walks and driveways, which totally and permanently blocks the horizontal view of any person, object or activity from any adjoining street or property at ground level.
7. All barbed wire fencing will be removed.
8. Four parking spaces shall be stripped.
9. All areas driven or parked on must be paved, including the storage yard.
10. Sign will be reviewed for safety, and if any major changes or damage happens the sign must be replaced and follow city code.
11. The conditions listed above shall be completed within two (2) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.

12. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
13. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B SITE PLAN



ATTACHMENT C
SITE PHOTOS



ATTACHMENT D AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (4/2/21)
- 300' Vicinity Mailing: (3/8/21)
- 34 Commenting/Reviewing Agencies noticed: (3/11/21)
- Hearing Date: (4/26/21)
- Comments due: (3/22/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	3/11/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	3/10/21	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	YES	3/10/21			X
Crane School District #13	NR				
A.D.O.T.	YES	3/10/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	3/10/21	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	3/10/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	3/15/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	3/15/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AGENCY COMMENTS



COMMENT



NO COMMENT

Enter comments below:

The request is unclear as to the intended use of the property. If it is to be used for warehousing of equipment or materials, the property should be fenced for both security and aesthetics, preferably a block wall.

DATE: 3/10/21 NAME: James Sheldahl TITLE: Superintendent
AGENCY: Yuma Elementary School District #1
PHONE: 928-502-4300
RETURN TO: Chad Brown
Chad.Brown@YumaAZ.gov

From: James Sheldahl <jsheldahl@yuma.org>
Sent: Wednesday, March 10, 2021 9:18 AM
To: Brown, Chad - Associate Planner <Chad.Brown@yumaaz.gov>
Subject: Re: Request for Comments for CUP-33939-2021

Thank you, Chad.

The same is true of the request on 3rd Ave. Some of these property owners, like the long-time property owners on 5th Avenue, don't organize their materials. Their places end up looking more like junk yards than warehouse lots. Especially in our older neighborhoods, it's in the interest of the City and the school district to prevent potential blight. Once it takes hold, it takes excessive time and resources to clean up.

Thank you,
Jamie

On Wed, Mar 10, 2021 at 9:11 AM Brown, Chad - Associate Planner <Chad.Brown@yumaaz.gov> wrote:

Caution: This email originated from outside of the district. Do not click links or open attachments unless you validate the sender and know the content is safe. Please delete this message if you believe the email is suspicious.

Hello James,

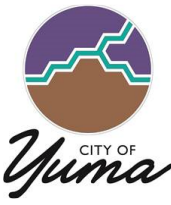
Good point, it is a bit vague. Their intended use is to do car window tinting. I will add the comment about the block wall, which I believe will also be a condition of approval.

Best,

Chad

ATTACHMENT F
AERIAL PHOTO





**STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: RICHARD MUNGUIA**

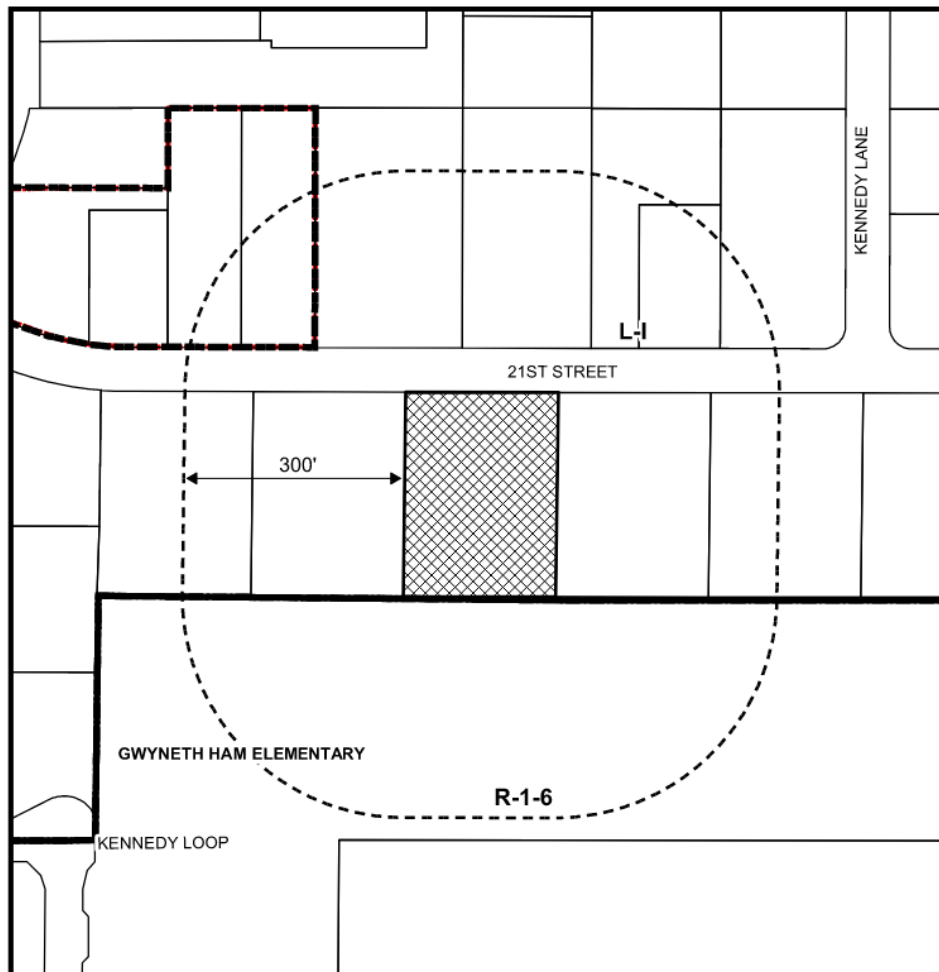
Hearing Date: May 10, 2021

Case Number: CUP-34229-2021

Project Description/Location: This is a request by Joshua Royce, on behalf of RAD Properties, LLC, to allow the use of commercial recreation in the Light Industrial (L-I) District, for the property located at 987 E. 21st Street, Suite C, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Light Industrial (L-I)	Vacant	Industrial
North	Light Industrial (L-I)	RE Michel Company	Industrial
South	Low Density Residential (R-1-6)	WACOG Headstart	Public/Quasi-Public
East	Light Industrial (L-I)	Kaman Industrial	Industrial
West	Light Industrial (L-I)	Yuma Winlectric	Industrial

Location Map:



Prior site actions: Annexation: O2008-22 (August 1, 2008).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow the use of commercial recreation in the Light Industrial (L-I) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-34229-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Joshua Royce, on behalf of RAD Properties, LLC, to allow the use of commercial recreation in the Light Industrial (L-I) District, for the property located at 987 E. 21st Street, Suite C, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located in the South Park Industrial District No. 2 Subdivision. The subdivision was developed in Yuma County in 1975 and was later annexed into the City on August 1, 2008. The subject property currently features two, 5,000 square foot buildings that have been utilized for a variety of industrial uses. This requested conditional use permit is for Suite C, which encompasses 2,500 square feet of building area.

With this conditional use permit, the applicant is seeking approval to allow the use of commercial recreation in the Light Industrial (L-I) District. The proposed commercial use is for indoor batting cages, to include two hitting tunnels and multiple batting tee stations, all utilizing commercial batting nets. The business, Yuma Baseball Academy, is an organization which provides instruction to young men and women participating in competitive leagues. While the organization provides instruction for both fielding and hitting, the subject property will only be utilized for hitting practice. The applicant has stated that the facility will be open daily, between the hours of 5:00pm and 9:00pm.

The applicant identified that security lighting is located along the east, west, and south sides of the building and existing landscaping will be maintained. The applicant will be required to ensure that there is enough on-site parking to accommodate all uses on the property. Any additional on-site parking spaces are required to be paved and striped; lighting and wheel stops may also be required.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	None	N/A
B.	Parking	None	N/A
C.	Lighting	None	N/A
D.	Hours of Operation	None	N/A
E.	Indoor/Outdoor Activities	None	N/A
F.	Noise	None	N/A
G.	Air Quality	None	N/A
H.	Hazardous Materials	None	N/A
I.	Crime Prevention (CPTED)	None	N/A

J.	Other	None	N/A
----	-------	------	-----

2. Does the site plan comply with the requirements of the zoning code?

Yes.

3. Does the proposed use and site plan comply with Transportation Element requirements?

Yes.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
21 st Street – Local Street	29' FT H/W ROW	30' H/W ROW				
Bicycle Facilities Master Plan	None					
YCAT Transit System	None					
Issues:	None					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per section 154-09.02(E)(3), in which a CUP is required for any use allowed in the General Commercial (B-2) District.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed modification to the existing site should not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The site will utilize the existing roadway for ingress and egress. There should be no major impacts to traffic circulation.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The proposed use does not anticipate frequent vehicular traffic, and the existing traffic is not in close proximity with any residential neighborhoods.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The current bulk and height of the existing buildings are consistent with the surrounding development.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The site has provided the necessary means to meet requirements regarding noise level reductions and site lighting for security purposes.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed uses for the site include proper screening consistent with the Crime Prevention Through Environmental Design (CPTED) principles for visual surveillance.

Agency Comments:

See Attachment D.

Neighborhood Meeting Comments:

No Meeting Required.

Discussions with Applicant/Agent:

April 27, 2021

Proposed conditions delivered to applicant on:

April 12, 2021

Final staff report delivered to applicant on:

April 28, 2021

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: April 27, 2021
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. E-mailed applicant, awaiting reply.

ATTACHMENTS:

A	B	C	D	E
Conditions of Approval	Site Plan	Agency Notifications	Agency Comments	Aerial Photo

Prepared By:

Richard Munguia
Senior Planner

Date:

Richard.Munguia@YumaAZ.gov (928)373-5000, x1234

Approved By:

Alyssa Linville,
Assistant Director Community Development

Date: April 27, 2021

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

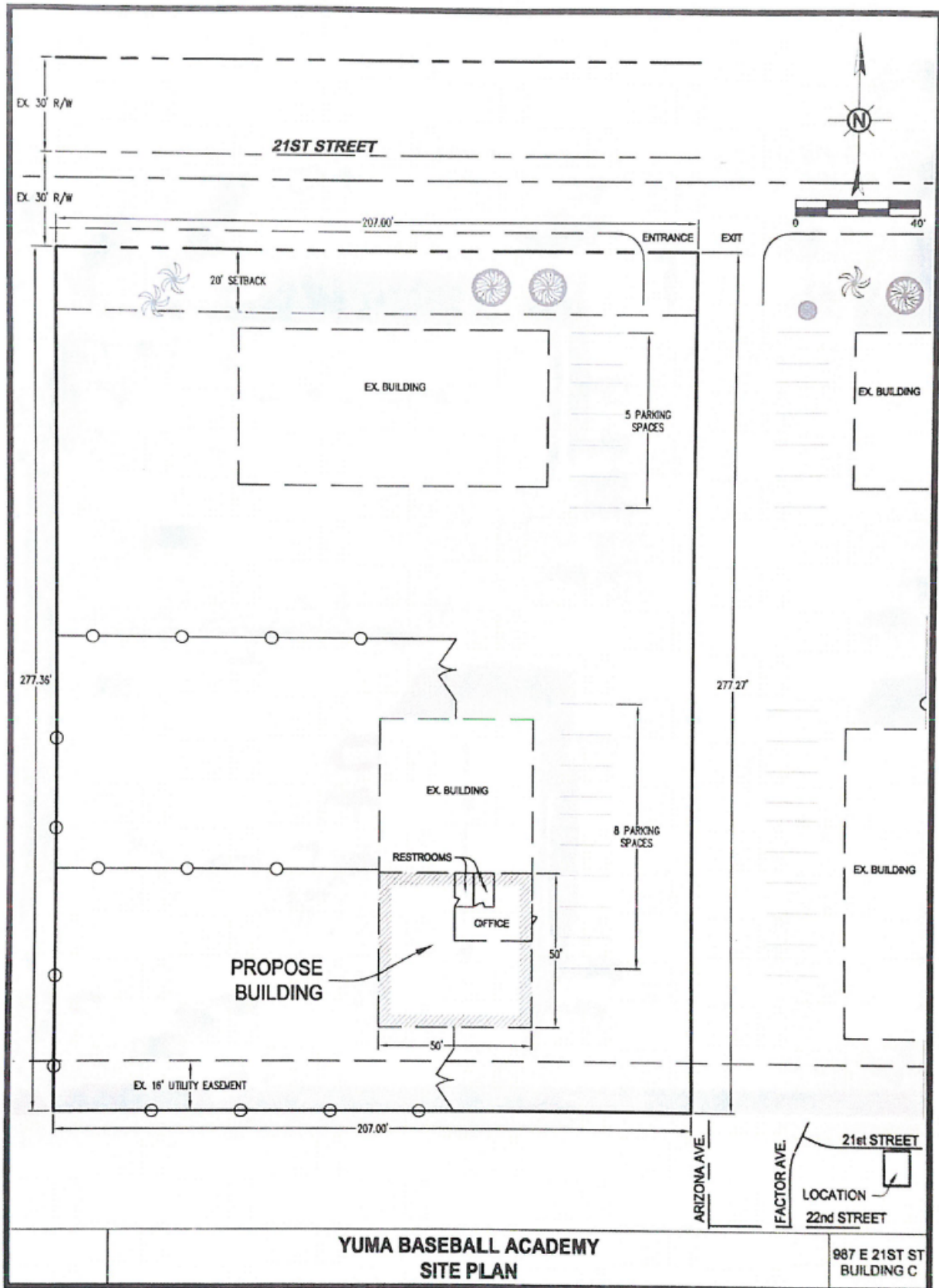
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Community Planning: Richard Munguia, Senior Planner, (928) 373-5000, x3070

4. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
5. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
6. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
7. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B SITE PLAN



ATTACHMENT C AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 04/16/2021
- 300' Vicinity Mailing: 03/22/2021
- 34 Commenting/Reviewing Agencies noticed: 30/25/2021
- Site Posted on: 05/03/2021
- Neighborhood Meeting: N/A
- Hearing Date: 05/10/2021
- Comments due: 04/05/2021

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	X	03/26/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	X	03/26/2021	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	X	03/29/2021	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	X	03/25/2021	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	X	03/25/2021	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	X	03/25/2021			X
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	X	03/29/2021	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
AGENCY COMMENTS

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

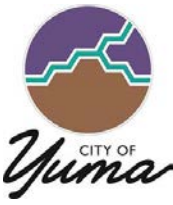
☐ Condition(s) ☐ No Condition(s) ☒ Comment

Enter conditions here: must meet all local building, fire, and life safety codes for new use/construction

DATE: 3/25/21 NAME: Kayla Franklin TITLE: Fire Marshal
CITY DEPT: Fire
PHONE: 928-373-4865
RETURN TO: Richard Munguia
 Richard.Munguia@YumaAZ.gov

ATTACHMENT E
AERIAL PHOTO





STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: BOB BLEVINS

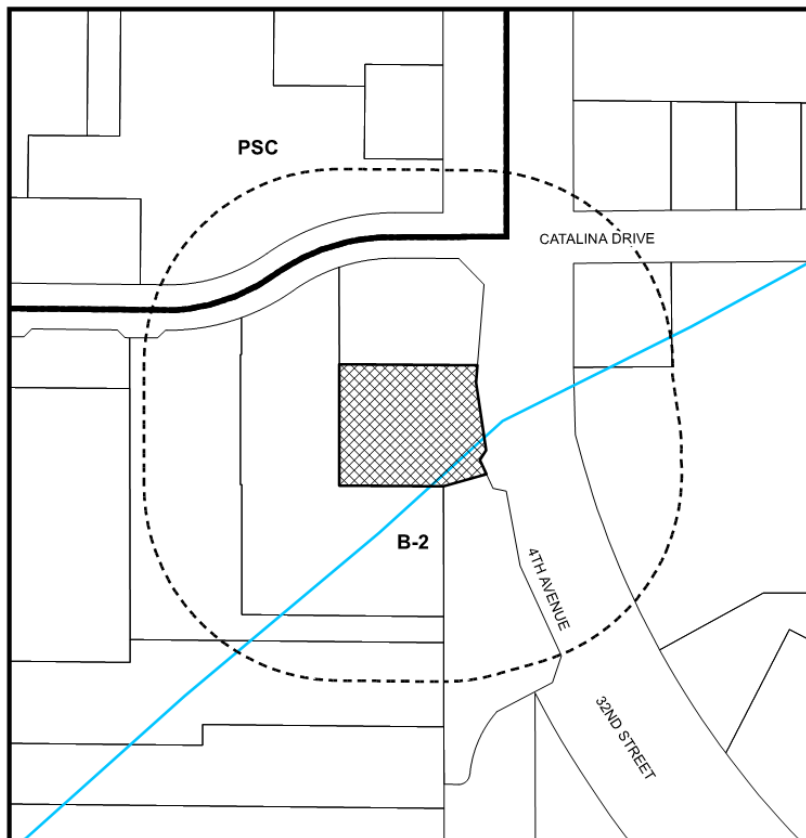
Hearing Date: May 10, 2021

Case Number: CUP-34244-2021

Project Description/Location: This is a request by Durban Development, LLC, on behalf of Southgate Mall, LLC, for a Conditional Use Permit to allow a drive-through for a vehicle oil change facility in the General Commercial (B-2) District. The property is located at 3010 S. 4th Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Vacant	Commercial
North	General Commercial (B-2)	Dutch Brothers Coffee	Commercial
South	General Commercial (B-2)	Parking Lot/Chipotle Grill	Commercial
East	General Commercial (B-2)	Pool Supply/Hair Salon	Commercial
West	General Commercial (B-2)	Medical Office/Retail	Commercial

Location Map:



Prior site actions: Lot Tie/Split: LOTS-23566-2018.

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow a drive-through for a vehicle oil change facility in the General Commercial (B-2) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-34244-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Durban Development, LLC, on behalf of Southgate Mall, LLC, for a Conditional Use Permit to allow a drive-through for a vehicle oil change facility in the General Commercial (B-2) District. The property is located at 3010 S. 4th Avenue, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: This request is for the new construction of a quick oil change facility, where the customers remain in their cars from the beginning to the end of the service. A 1,438 square foot building is proposed consisting mostly of three drive-thru bays along with a restroom and small manager's office. The building will be 16'-3" in height with a tower approaching 28'-9" in height.

The customer states:

"The business is a national company with standards keeping with the health, safety, morals, comfort, and general welfare expected in the City of Yuma and in similar fashion as other surrounding businesses.

"The layout proposed in the site plan with its driveways and proposed cross-access easements has been reviewed and approved by the business owner confirming that it adequately meets the needs of their use.

"The entire property for which this use is proposed is over 700' from the nearest residential development and has several other commercial uses between the nearest residential use in every direction.

"The business hours of the oil change facility are within the hours of 7am and 8pm, so noise will not be an issue outside those hours and best practices will be in place to limit noise levels within those hours. Attached building lighting and cameras are included on all facilities nationwide and additional site pole lights will be used to achieve adequate lighting throughout the site without bleeding onto adjacent properties.

"The site will be developed with all city required landscaping, fencing, & screening incorporated including landscaped screening of the drive-through bays. Security cameras within and around the building will be employed in an attempt to prevent crime and graffiti."

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	Cross-traffic could be blocked by vehicles stacking.	7.
B.	Parking	Non-issue	
C.	Lighting	Exterior lighting will have to be designed with "dark sky" compatible down lighting with a maximum 3000 kelvin LED Lights.	4.
D.	Hours of Operation	Non-issue	
E.	Indoor/Outdoor Activities	Vehicle headlights while in the bays could become a distraction to drivers on the nearby public roads.	6.
F.	Noise	Non-issue	
G.	Air Quality	Non-issue	
H.	Hazardous Materials	Non-issue	
I.	Crime Prevention (CPTED)	Trash enclosure and walls subject to graffiti.	5.
J.	Other	Non-issue	

2. Does the site plan comply with the requirements of the zoning code?

Yes. Parking and setbacks meet code.

3. Does the proposed use and site plan comply with Transportation Element requirements?

FACILITY PLANS							
Transportation Master Plan		Planned	Existing	Gateway	Scenic	Hazard	Truck
N/A – site located and accessed through private streets and drive aisles.		N/A	N/A	N/A	N/A	N/A	N/A
Bicycle Facilities Master Plan		N/A					
YCAT Transit System		Green Route- 4 th Avenue Extension at 32 nd Street.					
Issues:		None					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per section 154-08.04(E)(1), in which a CUP is required for a drive-thru for a business.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The new use is in a commercial area with no nearby residential. Since the business is vehicle-oriented, pedestrian traffic will be minimal.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. A cross-access easement is already in place in this shopping center. Signage will be needed to ensure the drive aisle is not blocked.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. There is no nearby residential development.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The buildings are of a typical height for such commercial uses in this area.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The developer will take steps to limit noise. The hours of operation will be 7 a.m. to 8 p.m.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. Security cameras, well-planned lighting and landscaping are being proposed.

Public Comments Received: None Received.

Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Discussions with Applicant/Agent: December 2, 2020

Proposed conditions delivered to applicant on: April 20, 2021

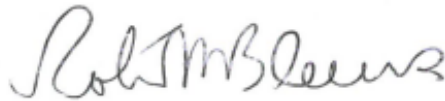
Final staff report delivered to applicant on: April 26, 2021

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: April 20, 2021 |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. |

ATTACHMENTS:

A	B	C	D	E
Conditions of Approval	Site Plan	Elevations	Agency Notifications	Aerial Photo

Prepared By:
Robert M. Blevins,
Principal Planner



Date:

4/19/21

Robert.Blevins@yumaaz.gov (928) 373-5189

Approved By:
Alyssa Linville,
Assistant Director Community Development



Date:

04/27/2021

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Community Development Comments: Alyssa Linville, Assistant Director,
Community Development, (928) 373-5000, x 3037:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

Community Planning: Robert M. Blevins, Principal Planner (928) 373-5189:

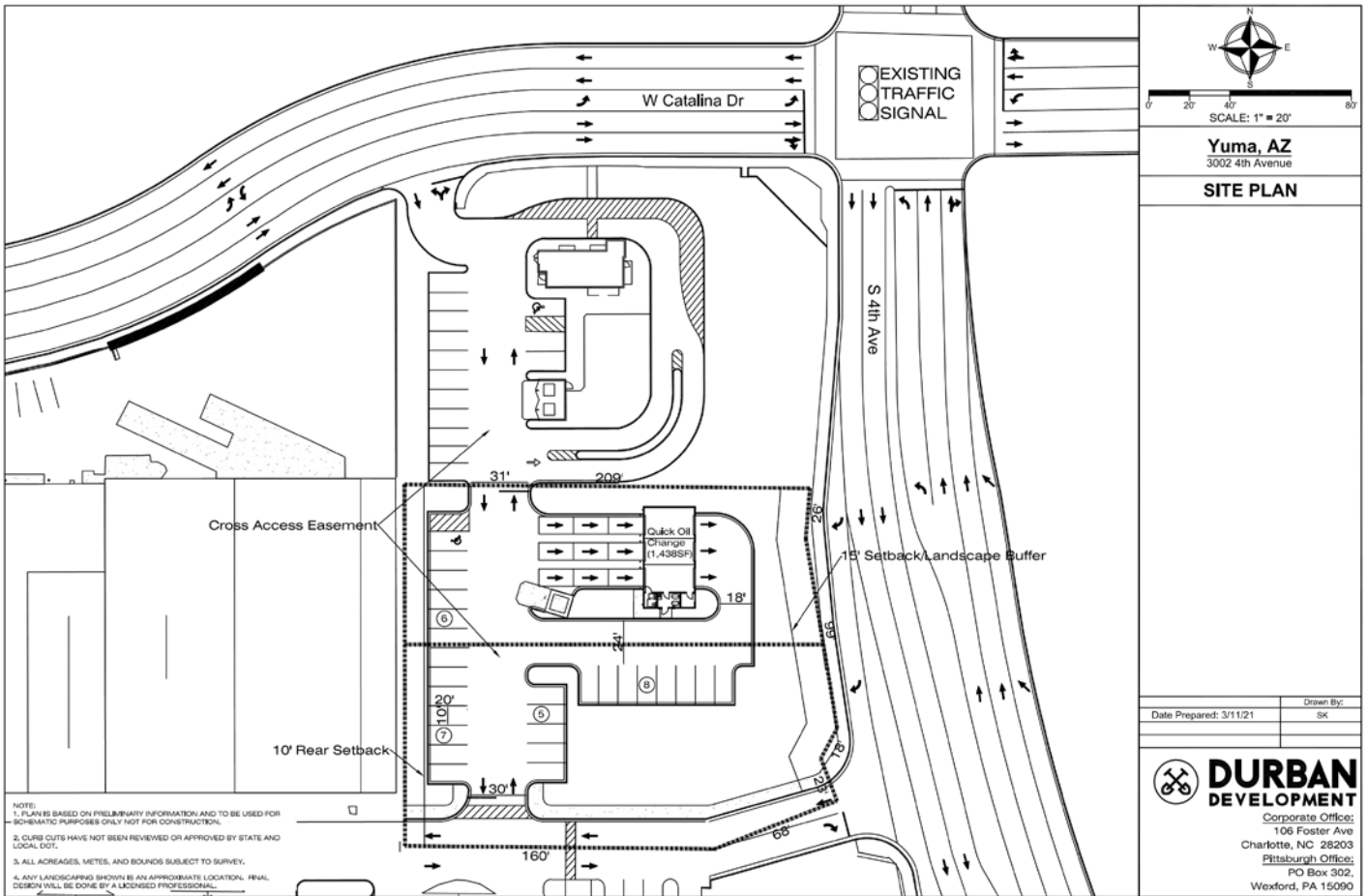
3. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
4. All parking lot and exterior building lighting, other than internally-lit signs, must be shielded and/or directed downwards so as not to have light trespass onto the right-of-way or neighboring properties. As part of the electrical and building permit process, a photometric data site plan must be submitted, showing the light emissions to be contained upon the property. If using LED exterior lighting, the color temperature of the LEDs must be 3000 K or lower.
5. The trash enclosure must be of block construction with solid gates and the entire enclosure coated with an anti-graffiti coating and painted to compliment the main development on the property.
6. The Owner shall provide a minimum three foot (3') high solid masonry screen wall with poured concrete footings under a mortared permanent block wall; or screening to be accomplished with a continuous screen row of planted shrubs at full growth, planted close together; installed to effectively screen drive-thru customer's automobile headlights from traffic utilizing 4th Avenue and Catalina Drive, in place prior to the date of business opening. The wall or planting to be installed exactly as shown on the approved construction plans and be completed prior to the Certificate of Occupancy.
7. Signage to warn of keeping the cross-traffic easement clear of vehicles shall be placed at two locations (at a minimum) on the property to be visible to north and south traffic.
8. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.

9. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
10. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

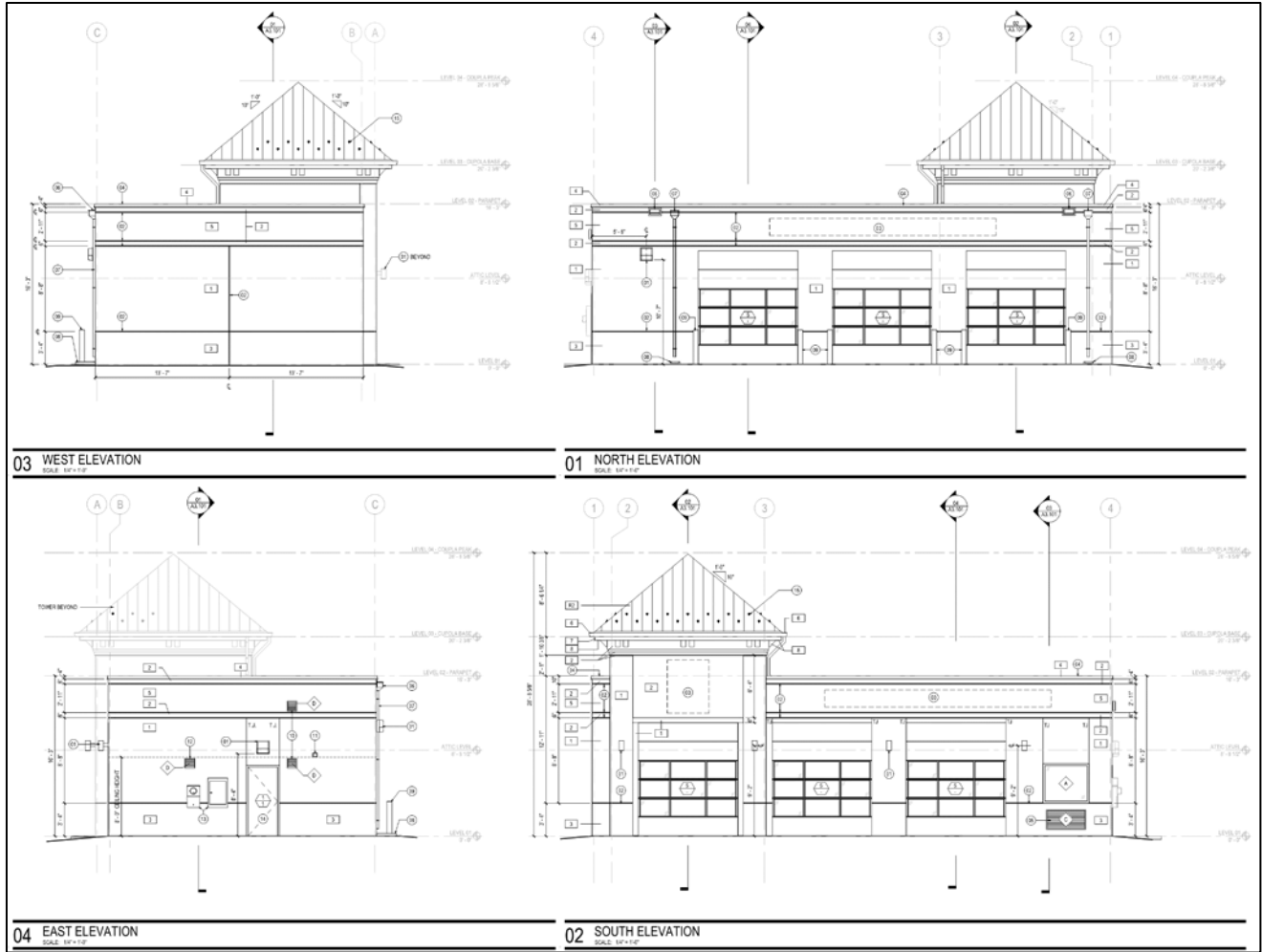
Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member providing the comment. Contact information is provided.

ATTACHMENT B

SITE PLAN



ATTACHMENT C ELEVATIONS

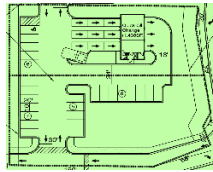


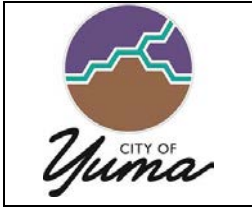
ATTACHMENT D
AGENCY NOTIFICATIONS

- **Legal Ad Published: The Sun** (04/16/21)
- **300' Vicinity Mailing:** (03/22/21)
- **34 Commenting/Reviewing Agencies noticed:** (03/25/21)
- **Site Posted on:** (05/03/21)
- **Hearing Date:** (05/10/21)
- **Comments due:** (04/05/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	03/26/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	03/26/21	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	03/29/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	03/25/21	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	03/26/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	03/25/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	03/29/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AERIAL PHOTO





STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: ERIKA PETERSON

Hearing Date May 10, 2021

Case Number: ZONE-34231-2021

Project Description: This is a request by The City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-34231-2021 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to amend Title 15, Chapter 154, Section 15.17 to expand the allowed uses for corner markets.

Staff Analysis: Adopted in 2018, the Corner Markets in Residential Districts within the Infill Overlay District provides limited commercial development to occur within certain residential districts. Examples of the benefits and incentives provided, include the opportunity for limited commercial development, encouraging neighborhood investment, and having convenient access to goods and services within walking distance. Previously, in an effort to protect the public health, safety, convenience, general welfare and character of the surrounding residential neighborhood many commercial uses were excluded, from consideration as a corner market.

Since the adoption of the ordinance, staff has seen an increase in the desire to expand the conditional uses allowed within the corner market regulations. The proposed amendment would allow any use permitted within the Limited Commercial (B-1) District, with the exception of adult oriented businesses, as a Conditional Use for a corner market. Further, this amendment will provide the opportunity for additional mixed-use and commercial development to occur within the residential neighborhoods of the Infill Overlay District. The expanded uses for corner markets will provide greater opportunities to maximize the utilization, development, and/or redevelopment of properties within the Infill Overlay, in an effort to accommodate the rapid growth of our City.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes. The General Plan identifies the need to encourage residential mixed-use development by providing development incentives.

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes. The amendment fits the overall purpose and intent of the zoning ordinance.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

Yes. The proposed amendment will encourage mixed-use development within the residential neighborhood of the Infill Overlay District. This amendment will expand the range of uses to include uses permitted within the Limited Commercial (B-1) District, except any type of adult oriented businesses, on major streets, in residential neighborhoods.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

Yes. The proposed amendment would expand the types of conditional uses and would outline the development standards required of a corner market.

5. What are the potential impacts of the proposed amendment?

No negative impacts have been identified with the proposed text amendment.

Potential positive impacts include:

- Increase in walkability
- Encourage mixed-use development
- Encourage neighborhood investment

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes.

Public Comments Received: None Received.

External Agency Comments: See Attachment.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

- ☒ No Conditions of Approval
- ☐ Applicant did not agree with the following conditions of approval: (list #'s)
- ☐ If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments:

A	B	C
Draft Text	Agency Notification	Agency Comments

Prepared By:
Erika Peterson
Assistant Planner



Erika.Peterson@YumaAZ.Gov

Date: 05/03/2021

(928)373-5000, x3071

Approved By:
Alyssa Linville
Assistant Director Community Development



Date: 05/03/2021

ATTACHMENT A
DRAFT TEXT

That the Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions be amended to insert the following bolded text and delete the strikethrough:

§154-15.17 Corner Markets in Residential Districts within the Infill Overlay District.

- (A) *Purpose.* Regulations for corner markets are established to promote the general convenience, welfare and prosperity of the community. Allowing limited commercial development to occur within certain residential districts allows nearby residents the opportunity to conveniently access goods and services. Which translates to an increase in walking, and a decrease in trips by automobile, benefiting the health of residents and reducing traffic congestion and energy consumption for transportation. To protect the residential character of the neighborhood, corner markets shall be limited to specific uses so as to protect the public health, safety, convenience, general welfare and character of the surrounding residential neighborhood.

The Infill Overlay District is intended to encourage walkable, mixed-use development. Careful planning efforts, allow for new development and businesses, giving residents the option to live close to their daily destinations. By permitting limited commercial activities to occur within the residential districts of the Infill Overlay, the City of Yuma is providing residents the opportunity to increase mixed-use development and create more livable neighborhoods.

- (B) *Uses allowed as a corner market:*

- (1) Cafés;
- (2) Grocery and produce sales;
- (3) Bakery;
- (4) Deli;
- (5) Hardware stores; and
- (6) Personal service(s); limited to salons, barbers, tailors and laundromats.

- (C) *Conditional uses allowed as a corner market:*

- ~~(1) Group teaching of the arts, including music, vocal, dance or physical training; limited to no more than five students per session, in accordance with §154-03.05. In addition to the requirements outlined in §154-03.05, such uses shall also be subject to the following development standards:~~

- ~~(a) All lessons shall be located within an enclosed building;~~
- ~~(b) Adequate parking shall be provided through on-street and off-street parking. Parking shall be provided for each parent vehicle and for each employee;~~
- ~~(c) The hours in which classes begin and end need to be properly timed in order to ensure no traffic congestions occurs; and~~
- ~~(d) Hours of operations shall be limited to the hours between 8:00 a.m. and 8:00 p.m.~~

- (1) Any use permitted within the Limited Commercial (B-1) District, except any type of adult oriented businesses.**

(2) Allowed uses as identified in § 154-15.17 (B) which do not meet the development standards in § 154-15.17 (F).

- (D) *Limitations.* Allowed uses above shall not be permitted to **primarily** engage in the sale or consumption of alcohol.
- (E) *Allowed accessory uses.* A single dwelling unit located within the same building may be owner-occupied or a rental unit.
- (F) *Corner Markets.* Corner markets are subject to the following development standards:
- (1) *Location.* Corner markets shall be located on 2-lane collector streets as identified by the 2014 City of Yuma Transportation Master Plan.
 - (2) *Lot size.* Corner markets are permitted on lots that meet the minimum lot size requirement for the zoning district they are located.
 - (3) *Lot coverage.* Corner markets are required to meet the lot coverage allowances as dictated by the applicable zoning or overlay district.
 - (4) *Setbacks.* Corner markets are required to meet the setback requirements as identified within the applicable zoning or overlay district.
 - (5) *Height.* Corner markets shall not exceed a total building height of 25 feet and shall be in keeping with the general character of the surrounding area.
 - (6) *Maximum area.* The area of a corner market shall be limited to a maximum gross floor area of 1,600 square feet.
 - (7) *Distance.* A corner market may not be located within 1000 feet of another corner market.
 - (8) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.
 - (9) *Parking.* Corner markets and any attached residential unit shall provide adequate parking as outlined below.
 - (a) A corner market shall be required to provide two spaces off-street.
 - (b) Off-street parking shall be limited to no more than four spaces.
 - (c) Retail uses shall provide one space for each 400 square feet of gross floor area.
 - (d) Cafes shall provide one space for each 50 square feet of gross floor area where the public is served.
 - (e) Required parking utilized by customers may be provided through the means of on-street parking, if available. If utilizing on-street parking, parking is to be located on the same side of the street as the use, may not extend beyond the street

frontage of the subject property, and must be approved by the City of Yuma Traffic Engineer.

- (f) In addition to motor vehicle parking, bicycle parking shall be provided on-site.
- (g) Unless specified above, all parking areas shall be provided in accordance with Article 16 of this chapter.
- (10) *Lighting.* All exterior lighting fixtures shall be properly arranged, shielded and located as to direct the light away from any public or private street right-of-way or adjoining residential properties, as specified in Article 18 of this chapter. In addition to the requirements outlined in Article 18, light poles shall be restricted to a maximum height of 12 feet.
- (11) *Hours.* Hours of operation, including the loading and unloading of merchandise, are limited to the hours between 6:00 a.m. and ~~8:00 p.m.~~ **10:00 p.m.** Deliveries shall not be permitted between the hours of 8:00 p.m. and 6:00 a.m.
- (12) *Neighborhood meeting.* A neighborhood meeting shall be held on-site prior to the issuance of a building permit and/or establishment of a corner market. Neighborhood meetings are an informal meeting between the applicant and interested residents who may reside, own property, or work in the area. These meetings offer residents an opportunity to provide input before formal plans are rendered.
- (13) *Appeal.* An appeal, initiated by the applicant or neighboring resident, regarding a determination of the Zoning Administrator may be requested to the Hearing Officer in accordance with §154-03.02(C).

ATTACHMENT B NOTIFICATION

- Legal Ad Published: The Sun (4/16/2021)
- 34 Commenting/Reviewing Agencies noticed: (3/25/2021)
- Neighborhood Meeting: (N/A)
- Hearing Date: (5/10/2021)
- Comments due: (4/5/2021)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	3/30/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	3/30/2021	X		
Yuma County Planning & Zoning	YES	3/31/2021		X	
Yuma County Assessor					
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	3/31/2021	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	3/30/2021	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	4/06/2021	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
N/A	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED

ATTACHMENT C
AGENCY COMMENTS



COMMENT

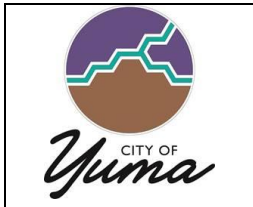


NO COMMENT

Enter comments below:

Yuma County does not have an "Infill Overlay District", however allow the list uses in the Local Commercial and General Commercial zoning districts.

DATE: 3/31/21 NAME: Javier Barraza TITLE: Senior Planner
AGENCY: DDS, Planning & Zoning Division
PHONE: (928) 817-5000
RETURN TO: Erika Peterson
Erika.Peterson@YumaAZ.gov



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: ALYSSA LINVILLE

Hearing Date May 10, 2021

Case Number: ZONE-34232-2021

Project Description: This is a request by The City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 153 to update provisions related to the Subdivision Code.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to Title 15, Chapter 153 to update provisions related to the Subdivision Code.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-34232-2021 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to amend Title 15, Chapter 153 to update provisions related to the Subdivision Code.

Staff Analysis: The original subdivision code for the City of Yuma was established in 1966. Since its original adoption, various updates to the subdivision code have been completed throughout the years. The intent of this proposed amendment includes updating certain definitions, updating reference to the correct approving position, ensuring accurate reference to development standards and streamlining the overall submittal process.

Below is a more detailed description of each proposed amendment:

1. **Definitions:** Definitions will be updated to remove unnecessary terms and/or replace them with modern terminology;
2. **Approving position:** Currently, the code references the ability for the Planning and Zoning Commission to approve modifications to the traffic circulation within a subdivision. This amendment will place this approval authority under the authority of the City Engineer;
3. **Roadway widths:** This amendment will remove the existing reference to outdated roadway widths and will in turn reference standard construction drawings and the Transportation Element of the General Plan;
4. **Electronic submittals:** The code currently references the requirement for hard copy submittals. The amendment will update the hard copy requirements while also identifying the needs for electronic submittals.
5. **Process outline:** An overall outline will provide a quick overview of the subdivision process, eliminating the need to search through several pages of the code.
6. **Preliminary plat:** The major update to this section of the code is the ability to submit a preliminary plat without preliminary construction drawings, allowing staff to begin scheduling necessary public meetings. While preliminary construction drawings will no longer be required, final construction drawings will need to be submitted within three weeks of applying for the preliminary plat. This will allow staff proper time to review the documents prior to the Planning and Zoning Commission hearing; ensuring that any issues or modifications are addressed prior to the hearing.

7. **Ten-lot subdivision:** Currently, the code identifies a subdivision as the division of land into 4 or more parcels; thus requiring the need to complete the full subdivision process. However, state statute allows a jurisdiction to process subdivision containing ten or fewer lots without the need to obtain preliminary plat approval. Therefore, within this amendment, staff is proposing to add provisions for a ten-lot subdivision, which merely requires the need to submit a final plat for approval by City Council.
8. **Final plat:** The code currently requires that a final plat be reviewed by the Planning and Zoning Commission and approved by City Council. The proposed amendment will eliminate the need for the final plat to be reviewed by the Planning and Zoning Commission, only requiring the final plat to be approved by City Council. This process is similar to other jurisdictions within Yuma County and throughout the state.
9. **Mylar submittal:** Currently the code requires that final plats, ready for recording, be submitted on three copies of mylar; one copy for the Yuma County Recorder's Officer, one copy for the City, and one copy for the designer. Many designers have requested to forgo their mylar copy in exchange for a digital copy of the recorded plat. Additionally, due to cost and lack of storage space, the City would like to also eliminate the need for a mylar copy to be retained. With significant advancements in digital scanning, the City also desires to merely retain a digital copy of the recorded plat.

Public outreach was a major component throughout this process, from beginning to end. During the initial drafting of the update, staff met with several local designers to seek input and suggestions on how to improve the overall subdivision process. Then, once the final draft was complete, staff met with both designers and developers to review the proposed text amendment. Overall, the feedback was positive; all were excited to see a streamlined process and were appreciative of the opportunity to review and provide feedback of the proposed amendment.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

N/A

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes. The amendment fits the overall purpose and intent of the zoning ordinance.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

No. The proposed amendment will merely update the application process required of a subdivision.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

Yes. The proposed amendment will update the process for a subdivision and will reference updated standards as it relates to right-of-way widths.

5. What are the potential impacts of the proposed amendment?

No negative impacts have been identified with the proposed text amendment.

Potential positive impacts include:

- Quicker review time for final plat
- Encourage redevelopment of larger lots by allowing developers to take advantage of the ten-lot subdivision process

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?
Yes.
7. Does the proposed amendment conform to prior City Council actions regarding this issue?
Yes.

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting No Meeting Required.
Comments:

Proposed conditions delivered to applicant on: N/A

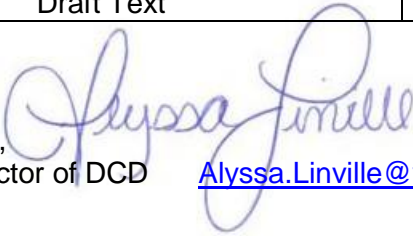
Final staff report delivered to applicant on: N/A

Attachments:

A	B
Draft Text	Agency Notification

Prepared By:

Alyssa Linville,
Assistant Director of DCD



Date: May 3, 2021

Alyssa.Linville@yumaaz.gov

(928)373-5000, ext. 3037

ATTACHMENT A
DRAFT TEXT

§ 153-02 Definitions

BUILDING SETBACK LINE. The line indicating the minimum horizontal distance between the street **right-of-way line** and buildings or any projection thereof, other than steps, eaves, or overhangs.

CITY ENGINEER. The City Engineer of the City of Yuma or their designate for oversight of a given functional role or project.

~~**CROSSWALK WAY.** A public right-of-way used primarily for pedestrian travel through or across any portion of a block.~~

PUBLIC IMPROVEMENTS. Any of the following: roadway pavement **section**, curbs, gutters, sidewalks, crosswalks, water mains, sanitary **sewer**, and storm ~~sewers~~ **drains, landscaping, retentions basins**, and other appurtenant construction as related to the subdivision ~~preliminary~~ plan.

RIGHT-OF-WAY. The entire strip of land lying between the property lines of a street of thoroughfare, alley, ~~crosswalk way~~, or easement.

SIDEWALKS. The portion of a street or ~~crosswalk way~~, paved or otherwise surfaced, intended for pedestrian use only.

STREET, COLLECTOR. A street designed to serve as an important trafficway for a neighborhood, or as a feeder to an arterial street. ~~The determination of such street classification is any specific instance shall rest for the Planning Commission.~~

WALKWAY. A public right-of-way used primarily for pedestrian travel through or across any portion of a block.

§ 153-04 Streets

(A) *Circulation.*

- (1) The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets or unsubdivided land, as may be required by the ~~Planning Commission~~ **City Engineer**.

(C) *Existing streets.* Existing street (constructed or recorded) in adjoining territory shall be continued at equal or greater width an in similar alignment by streets proposed in the subdivision, unless variations are approved by the ~~Planning Commission~~ **City Engineer**.

(E) *Half-streets.* No half-streets will hereinafter be accepted. Where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half, being a minimum width to meet this chapter, shall be ~~plotted~~ **platted**.

(F) *Stub streets.* Where a subdivision adjoins unsubdivided land, stub streets shall be provided at locations as determined by the ~~Planning Commission~~ **City Engineer** to ensure future access and traffic circulation.

(H) *Easements.* Easements for slopes and utilities shall be dedicated to the public wherever necessary as required by the City Engineer. Said easements shall be at least eight feet wide across the rear or front of all lots, except that a utility easement adjacent to unsubdivided lands shall be at least ten feet wide. In addition, easements may be required at other suitable locations **per the City Engineer**.

(I) *Dimensional standards.*

- (1) *Minimum width.* The street right-of-way and roadway width shall not be less than the minimum width shown in the following table: **latest adoption of the City of Yuma Construction Standards Detail Drawings and the Transportation Element of the General Plan. Additional right-of-way or easements may be required for utilities, slope rights, drainage facilities or irrigation facilities.**

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width
Collector; residential	60'	44'
Collector; high volume, midsection, or nonresidential	80'	48'
Local; residential [†]	50'	40'
Local; less than 1,500 ft. in length [†]	50'	38'
Access or frontal ^{**}	40'	32'
Alley	20'	20'
Cul-de-sac; residential	50' (radius)	42' (radius)
Cul-de-sac; nonresidential	60' (radius)	50' (radius)
Arterial ^{**}	100'	68' (plus median)
General note: Additional right-of-way may be required for drainage, utilities, slope rights, or irrigation facilities.		
[†] Streets serving multi-family/commercial land uses shall have a 40-foot roadway width.		
^{**} In new residential developments a frontage/access street is normally required for lots fronting on arterial streets.		

(2) *Alignment; minimum standards.*

- (a) ~~Two copies~~ **One electronic copy** of the complete plans and profiles for street and alley improvements shall be submitted for approval of the City Engineer prior to approval of the final plat by the Planning Commission.
- (3) ~~Curb radii~~ **Corners.** At the intersection of two streets, property line corners shall be rounded by an arc of 20 foot radius **chamfered by a corner triangle in accordance with the currently adopted design and construction standards.** The minimum ~~radii corner triangle size~~ shall be increased when the smallest angle of intersection is less than 90 degrees, or in any case where the City Engineer considers an increase necessary.

§ 153-05 Blocks

- (A) Length of residential blocks shall not be more than 1,000 feet long unless approved by the Planning Commission. ~~Blocks longer than 800 feet in length shall have a crosswalkway near the center of the block when required as necessary by the Commission.~~

§ 153-45 **14** Pre-Application Procedure

- (B) Upon receiving favorable feedback from the ~~pre-application~~ **pre-development** meeting, the applicant may then proceed to prepare the preliminary plat for submittal.

§ 153-15 Submittal Process Outline

Step One: Preliminary Plat

The preliminary plat application shall be reviewed and approved by the Planning and Zoning Commission. The preliminary plat shall include applicable information as indicated in § 153-31(A).

Step Two: Improvement Plans

- (1) A complete set of final improvement plans shall be submitted with the preliminary plat application, or within 3 weeks of submitting the preliminary plat application. Improvement plans shall include applicable information as indicated in §§ 153-47(B), 153-47(C), and 153-47(D).
- (2) Three sets of improvement plans, and supplementary materials as specified, shall be submitted to the Department of Community Development. If plans are submitted electronically, there shall be no need to provide three hard copy sets as previously indicated.
- (3) If improvement plans are not submitted in a timely manner, review and approval of the preliminary plat to the Planning and Zoning Commission may need to be continued to an appropriate hearing date.
- (4) In the event of a multi-phased subdivision, an alternative submittal timeline may be considered and agreed upon by the Department of Community Development and the Engineering Department.

Step Three: Final Plat

The final plat application shall be reviewed and approved by the City Council.

§ 153-16 Preliminary Plat Process

(A) The applicant shall prepare a preliminary plat ~~together with other supplemental material as indicated in § 153-31, Preliminary Plat and Plans Submittal Requirements~~ **that includes all applicable information as indicated in §§ 153-31(A) and 153-47.**

(B) ~~Five~~**Three** sets of the preliminary plat, ~~including four blue line copies and~~ or one electronic copy of the preliminary plat, and supplementary material as specified, shall be submitted to the Department of Community Development. **One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.**

(C) At the time of submittal of all required preliminary plat and necessary supplemental materials to the Department of Community Development, a public hearing date with the Planning and Zoning Commission shall be scheduled in accordance with the Case Review Hearing Deadlines calendar for the rear. Generally, public hearings with the Planning and Zoning Commission occur within 60 days of application submittal. At the public hearing, the Planning and Zoning Commission shall express its approval or disapproval of the proposed preliminary plat. The Planning and Zoning Commission shall state the conditions of such approval, if any, or if disapproved, shall express the reasons for the disapproval.

~~(D) The action of the Planning and Zoning Commission shall be noted on two copies of the preliminary plat, reference and attached to any conditions established by the Commission. Once copy shall be returned to the applicant, and the other copy retained by the Department of Community Development.~~

~~(E)~~ **(D)** Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the subdivision layout, road alignments and number of lots submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be processed in accordance with the requirements of §§ 153-45, 153-46, 153-47, 153-50, and 153-51 of this code.

§ 153-17 Procedure for Approval of Final Plat.

(B) The final plat shall be submitted to the Department of Community Development within three years of the approval of the preliminary plat; otherwise, such preliminary plat shall be come null and void. An extension of time applied for and granted by the Planning and Zoning Commission shall extend such deadline. The recording of a phase of the preliminary plat automatically extends the approval of the preliminary plat for **an additional** three years from the ~~final plat approval of the phase~~ **date of recording**. However, the maximum time period a preliminary plat may be approved without a final plat submittal is six years.

§ 153-18 Procedure for Approval of Lot Split.

(C) The final plat shall be prepared by an Arizona registered surveyor on a sheet suitable for recording, or on polyester or linen or a copy reproduced on polyester by a photographic silver imaging process or other method that assures archival quality. Required signatures shall be original signature, not copies, and shall include provisions for signatures by the City Planning Director and City Engineer. The plat must by 24" x 36" or other size as required by the Yuma County Recorder. All drawing, printing, and signatures shall be directly applied to the sheet to be recorded. The use of nonpermanent inks, press-on adhesive letters, films, or tapes is prohibited. The plat shall further include items specified in § § 153-47 and ~~153-48~~. **One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.**

§ 153-19 Procedure for Approval of a Ten Lot Subdivision.

(A) A division of land into ten or fewer parts may be processed as a subdivision which does not require the need for a preliminary plat approval. Ten lot subdivisions shall follow the final plat review process as specified in § 153-46 and will be subject to approval by City Council.

(B) In accordance with state statute, A.R.S. § 9-463.01, the City may waive or reduce infrastructure standards or requirements except for improved dust-controlled access and minimum drainage improvements.

~~§ 153-19~~ **153-20** Optional Commercial and Industrial Master Plat Process

~~§ 153-20~~ **153-21** Filing Fee

§ 153-31 Preliminary Plat and Plans Submittal Requirements.

(A) (17) Square footage or acreage of each resulting lot.

~~(B) Preliminary plat paving, grading and drainage plan information:~~

~~(C) Preliminary plat water, sewer and landscaping plan information:~~

~~(D) Preliminary plat boundary and topography map information:~~

§ 153-46 Final Plat Process.

(B) ~~Five~~ **Three** complete sets (~~four blue-line and one electronic copies~~) of the final plat **or one electronic copy**, and other supplementary material required for review, shall be submitted to the Department of Community Development. Other final plat supplementary materials shall include:

- (1) Completed application form and staff notes from pre-development meeting;
- (2) Filing fee;
- (3) Environmental transaction screen or equivalent documentation (two copies **or an electronic copy**);
- (4) Engineer's construction cost assessment for determining assurances ~~and pro-rata fees and credits.~~
- (5) **One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.**

(C) If the Department of Community Development determines that all conditions of approval and city codes are satisfied, then the Department of Community Development will forward the final plat to the ~~Planning and Zoning Commission~~ **City Council** for consideration ~~based on the Planning and Zoning Commission application deadline schedule.~~

§ 153-47 Final Plat Submittal Requirements.

(A) (18) Square footage or acreage of each resulting lot.

§ 153-50 Final Plat Materials and Documents Required.

~~(A) Two review copies of the final plat, complete subdivision improvement plans and profiles for street, water, sewer, stormwater drainage and alley improvements shall be submitted to the Director of Community Development~~ **Engineering Department** prior to the recordation of the final plat.

~~(B) (A) Three~~ **One** reproducible (i.e., mylar) ~~copies~~ **copy** of the final plat, with proper signatures to be distributed to the following upon recordation: **retained by the** County Recorder's Office, ~~City of Yuma~~ Department of Community Development, and applicant. **Mylar must be 24" x 36" or other size as required by the Yuma County Recorder. Digital copies of the recorded final plat will be distributed to the City of Yuma Department of Community Development and the applicant. One AutoCAD file of the plat that conforms to the City of Yuma CADD standards shall be submitted electronically.**

~~(C) (B)~~ Prior to construction, ~~six sets~~ **a digital copy** of the complete subdivision improvements plans, including street plan and profiles, water, sewer, stormwater drainage and alley improvements shall be submitted to the ~~Director of the Department of Community Development~~ **City Engineering**.

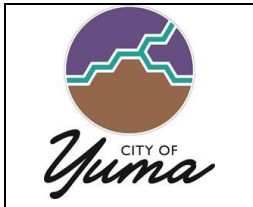
ATTACHMENT B NEIGHBORHOOD MEETING COMMENTS

- Legal Ad Published: The Sun (04/16/2021)
- 34 Commenting/Reviewing Agencies noticed: (03/25/2021)
- Neighborhood Meeting: (N/A)
- Hearing Date: (05/10/2021)
- Comments due: (04/05/2021)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
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Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	03/30/2021	X		
Yuma County Planning & Zoning	Yes	03/31/2021	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	Yes	03/31/2021	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	03/30/2021	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	04/06/2021	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
NONE REQUIRED.	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED.



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: AMELIA GRIFFIN

Hearing Date May 10, 2021

Case Number: ZONE-34268-2021

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Section 06.03 to identify the permitted housing types within the Manufactured Housing Subdivision District (MHS).

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to identify the permitted housing types within the Manufactured Housing Subdivision District (MHS).

Suggested Motion: Move to **APPROVE** the text amendment ZONE-34268-2021 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to identify the permitted housing types within the Manufactured Housing Subdivision District (MHS).

Staff Analysis: The proposed text amendment would allow site-built homes within the Manufactured Housing Subdivision District (MHS). Manufactured housing is generally defined as factory assembled structures. Historically, manufactured housing has been less expensive than site-built dwellings and has shown to be an economically efficient method of providing housing needs. However, staff has recently seen an increase of requests to allow site-built homes within the Manufactured Housing Subdivision District (MHS). The proposed text amendment is similar to the Recreation Vehicle Subdivision District (RVS), which allows both types of housing options.

Currently, site-built homes are not permitted within the Manufactured Housing Subdivision District (MHS), limiting property owners to manufactured housing. The proposed text amendment would expand housing options and encourage redevelopment in existing Manufactured Housing Subdivisions.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes. The Housing Element of the General Plan identifies the need for a variety of housing options.

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes. The amendment fits the overall purpose and intent of the zoning ordinance.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

Yes. This amendment will permit the addition of site-built homes within the Manufactured Housing Subdivision District (MHS).

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

No. The proposed text amendment will not change the development standards of the zoning ordinance.

5. What are the potential impacts of the proposed amendment?

There are no potential negative impacts that have been identified with the proposed text amendment.

This proposed amendment will encourage redevelopment in older Manufactured Housing Subdivisions and expand housing opportunities.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

N/A

Public Comments Received: None received.

External Agency Comments: None received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> | No Conditions of Approval |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. |

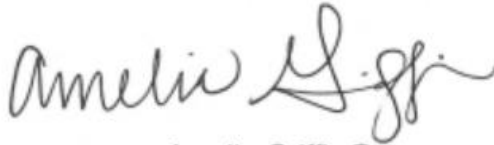
Attachments:

A	B
Draft Text	Agency Notification

Prepared By:

Amelia Griffin

Associate Planner



Amelia.Griffin@yumaaz.gov

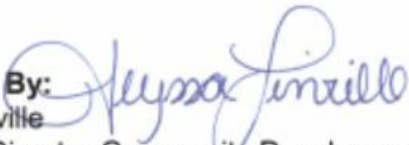
Date: 04/26/21

(928)373-5000, x3034

Approved By:

Alyssa Linville

Assistant Director Community Development

**Date:** 04/27/2021

ATTACHMENT A
DRAFT TEXT

That the Yuma City Code, Title 15, Chapter 154, Section: 06.03 Manufactured Housing Subdivision District (MHS) be amended to insert the following bolded text:

§ 154-06.03 Manufactured Housing Subdivision District (MHS).

- (A) *Purpose.* This district is intended to accommodate manufactured homes **and site-built homes**, together with schools, parks and other services, in a suitable residential environment. Manufactured homes **and site-built homes** on individual lots within manufactured home subdivisions are permitted, provided they meet the minimum requirements of this district.
- (B) *Principal permitted uses.*
 - (1) Manufactured home subdivisions:
 - (a) **Manufactured homes; or**
 - (b) **Site-built homes;**

ATTACHMENT B
AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (04/16/21)
- 34 Commenting/Reviewing Agencies noticed: (03/25/21)
- Neighborhood Meeting: (N/A)
- Hearing Date: (05/10/21)
- Comments due: (04/05/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	3/30/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	3/30/21	X		
Yuma County Planning & Zoning	YES	3/31/21	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	3/31/21	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	3/30/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	3/23/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	4/6/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED.